

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x Case No.: 14-cv-02575(SHS)
ANGEL ORDONEZ,

Plaintiff,

-against-

ANSWER

NAVILLUS TILE, INC. d/b/a NAVILLUS CONTRACTING
AND DONAL O'SULLIVAN,

Defendants.
-----x

Defendants Navillus Tile, Inc. d/b/a Navillus Contracting and Donal O'Sullivan (hereinafter collectively referred to as, "Defendants") by their attorneys, Certilman Balin Adler & Hyman, LLP, as and for their answer to plaintiffs' complaint dated April 10, 2014 (the "Complaint") alleges as follows:

1. Deny the allegations set forth in paragraph "1" of the Complaint and respectfully refer all questions of law to the Court.
2. Deny the allegations set forth in paragraph "2" of the Complaint and respectfully refer all questions of law to the Court.
3. Deny the allegations set forth in paragraph "3" of the Complaint and respectfully refer all questions of law to the Court.
4. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "4" of the Complaint and respectfully refer all questions of law to the Court.
5. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5" of the Complaint and respectfully refer all

questions of law to the Court.

6. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “6” of the Complaint and respectfully refer all questions of law to the Court.

7. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “7” of the Complaint.

8. Admit to the allegations contained in paragraph “8” of the Complaint.

9. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “9” of the Complaint and respectfully refer all questions of law to the Court.

10. Deny the allegations set forth in paragraph “10” of the Complaint and respectfully refer all questions of law to the Court.

11. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “11” of the Complaint and respectfully refer all questions of law to the Court.

12. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “12” of the Complaint and respectfully refer all questions of law to the Court.

13. Admit to the allegations contained in paragraph “13” of the Complaint.

14. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “14” of the Complaint and respectfully refer all questions of law to the Court.

15. Admit to the allegations contained in paragraph “15” of the Complaint.

16. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “16” of the Complaint.

17. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “17” of the Complaint.

18. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “18” of the Complaint.

19. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “19” of the Complaint.

20. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “20” of the Complaint.

21. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “21” of the Complaint.

22. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “22” of the Complaint.

23. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “23” of the Complaint.

24. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “24” of the Complaint.

25. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “25” of the Complaint and refer to the document for its meaning and import.

26. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “26” of the Complaint and refer to the document for

its meaning and import.

27. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “25” of the Complaint and refer to the document for its meaning and import.

28. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “25” of the Complaint and refer to the document for its meaning and import.

29. Deny the allegations set forth in paragraph “29” of the Complaint.

30. Deny the allegations set forth in paragraph “30” of the Complaint.

31. Deny the allegations set forth in paragraph “31” of the Complaint.

32. Deny the allegations set forth in paragraph “32” of the Complaint.

33. Deny the allegations set forth in paragraph “33” of the Complaint.

34. Deny the allegations set forth in paragraph “34” of the Complaint.

35. Deny the allegations set forth in paragraph “35” of the Complaint.

36. Deny the allegations set forth in paragraph “36” of the Complaint.

37. Deny the allegations set forth in paragraph “37” of the Complaint.

38. Deny as to the truth of the allegations set forth in paragraph “25” of the Complaint and refer to the document for its meaning and import.

39. Deny the allegations set forth in paragraph “39” of the Complaint.

40. Deny the allegations set forth in paragraph “40” of the Complaint.

41. Deny as to the truth of the allegations set forth in paragraph “41” of the Complaint and refer to the document for its meaning and import.

42. Deny the allegations set forth in paragraph “42” of the Complaint.

43. Deny as to the truth of the allegations set forth in paragraph “43” of the Complaint and refer to the document for its meaning and import.

44. Deny the allegations set forth in paragraph “44” of the Complaint.

45. Deny the allegations set forth in paragraph “45” of the Complaint.

46. Deny the allegations set forth in paragraph “46” of the Complaint.

47. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “47” of the Complaint.

48. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “48” of the Complaint.

49. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “49” of the Complaint.

50. Deny the allegations set forth in paragraph “50” of the Complaint.

51. Deny the allegations set forth in paragraph “51” of the Complaint.

52. Deny the allegations set forth in paragraph “52” of the Complaint.

53. Deny the allegations set forth in paragraph “53” of the Complaint.

54. Deny the allegations set forth in paragraph “54” of the Complaint.

55. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “55” of the Complaint.

56. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “56” of the Complaint.

57. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “48” of the Complaint.

58. Defendants deny knowledge or information sufficient to form a belief as to the

truth of the allegations set forth in paragraph “58” of the Complaint.

59. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “59” of the Complaint.

60. Deny the allegations set forth in paragraph “60” of the Complaint.

61. Defendants repeat, reiterate and reallege each any every allegation contained in paragraphs “1” through “60” herein with the same force and effect as if more fully set forth at length.

62. Deny the allegations set forth in paragraph “62” of the Complaint.

63. Deny the allegations set forth in paragraph “63” of the Complaint and respectfully refer all questions of law to the Court.

64. Deny the allegations set forth in paragraph “64” of the Complaint and respectfully refer all questions of law to the Court.

65. Deny the allegations set forth in paragraph “65” of the Complaint.

66. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “66” of the Complaint.

67. Defendants repeat, reiterate and reallege each any every allegation contained in paragraphs “1” through “66” herein with the same force and effect as if more fully set forth at length.

68. Deny the allegations set forth in paragraph “68” of the Complaint.

69. Deny the allegations set forth in paragraph “69” of the Complaint and respectfully refer all questions of law to the Court.

70. Deny the allegations set forth in paragraph “70” of the Complaint and respectfully refer all questions of law to the Court.

71. Deny the allegations set forth in paragraph “71” of the Complaint.
72. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “72” of the Complaint.
73. Defendants repeat, reiterate and reallege each any every allegation contained in paragraphs “1” through “73” herein with the same force and effect as if more fully set forth at length.
74. Deny the allegations set forth in paragraph “74” of the Complaint.
75. Deny the allegations set forth in paragraph “75” of the Complaint and respectfully refer all questions of law to the Court.
76. Deny the allegations set forth in paragraph “76” of the Complaint.
77. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “77” of the Complaint.
78. Defendants repeat, reiterate and reallege each any every allegation contained in paragraphs “1” through “77” herein with the same force and effect as if more fully set forth at length.
79. Deny the allegations set forth in paragraph “79” of the Complaint.
80. Deny the allegations set forth in paragraph “80” of the Complaint and respectfully refer all questions of law to the Court.
81. Deny the allegations set forth in paragraph “81” of the Complaint.
82. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “82” of the Complaint.
83. Defendants repeat, reiterate and reallege each any every allegation contained in paragraphs “1” through “82” herein with the same force and effect as if more fully set forth at

length.

84. Deny the allegations set forth in paragraph “84” of the Complaint and respectfully refer all questions of law to the Court.

85. Deny the allegations set forth in paragraph “85” of the Complaint and respectfully refer all questions of law to the Court.

86. Deny the allegations set forth in paragraph “86” of the Complaint and respectfully refer all questions of law to the Court.

87. Deny the allegations set forth in paragraph “87” of the Complaint.

88. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “88” of the Complaint.

89. Defendants repeat, reiterate and reallege each any every allegation contained in paragraphs “1” through “88” herein with the same force and effect as if more fully set forth at length.

90. Deny the allegations set forth in paragraph “90” of the Complaint and respectfully refer all questions of law to the Court.

91. Deny the allegations set forth in paragraph “91” of the Complaint.

92. Deny the allegations set forth in paragraph “92” of the Complaint and respectfully refer all questions of law to the Court.

93. Deny the allegations set forth in paragraph “93” of the Complaint and respectfully refer all questions of law to the Court.

94. Deny the allegations set forth in paragraph “94” of the Complaint and respectfully refer all questions of law to the Court.

95. Defendants deny knowledge or information sufficient to form a belief as to the

truth of the allegations set forth in paragraph "88" of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

96. The Complaint fails to state a claim upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATION DEFENSE


97. The claims are barred by the arbitration provision set forth in a collective bargaining agreement.

WHEREFORE, Defendants demand judgment dismissing the Complaint, for the costs and disbursements in connection with the action and for such and further relief as the Court deems just equitable and proper.

Dated: East Meadow, New York
July 3, 2014

CERTILMAN BALIN ADLER & HYMAN, LLP

By:



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